

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

NISUS CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 3:03-CV-120
)	(VARLAN/SHIRLEY)
PERMA-CHINK SYSTEMS, INC.,)	
)	
Defendant.)	

MEMORANDUM & ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Docs. 262, 270, 314] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of Defendant Perma-Chink's Motion for Sanctions [Doc. 254]; Defendant Perma-Chink's Second Motion for Sanctions [Doc. 263]; and Plaintiff Nisus Corporation's Motion for Disqualification Based on Perma-Chink's Counsel's Ethical Violations [Doc. 306].

Because these motions have been pending for an extended length of time; the District Court has taken this case under advisement; and the District Court's ultimate ruling may resolve and/or render moot some of the matters raised in these motions or otherwise affect the parties' positions concerning the pursuit or defense of these motions, the Court feels that the above-referenced referred motions should be dismissed at this time. However, the motions [Docs. 254, 263, 306] shall be **DENIED** without prejudice and with leave to re-file the motions (should the parties determine that they are still at issue) within thirty (30) days of the District Court's filing of

its findings of fact and conclusions of law. Prior to re-filing, the parties shall be required to meet and confer regarding any proposed re-filing and potential for resolving the motions without court intervention.

By this action, the Court seeks to ensure that following the District Court's ruling, only those matters which the parties believe still warrant sanctions and/or disqualification will be pursued and that those matters which the parties are able to resolve or which may have been resolved by the District Court's ruling will not be pursued.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge